
OLR Bill Analysis

HB 6703

AN ACT CONCERNING YOUTH VIOLENCE AND GANG ACTIVITY.

SUMMARY:

This bill makes it a criminal offense to recruit a minor to participate in a “criminal gang.” The bill classifies this as a class A misdemeanor, punishable by up to one year imprisonment, up to a \$2,000 fine, or both.

The bill also requires the Court Support Services Division (CSSD) within the Judicial Branch, within available resources and in collaboration with certain government and community organizations, to conduct a pilot program in Bridgeport, Hartford, and New Haven. The program must be designed to reduce (1) the number of children and youths who come into contact with the juvenile justice system and (2) recidivism among those who are delinquents. The chief court administrator must submit a report to the Judiciary and Children committees by February 1, 2014 describing the pilot program and any recommendations for its expansion or continuation.

EFFECTIVE DATE: October 1, 2013, except the pilot program provision, which is effective July 1, 2013.

RECRUITING A MEMBER OF A CRIMINAL GANG

Elements of the Crime

Under the bill, a person is guilty of recruiting a member of a criminal gang when he or she knowingly causes, encourages, solicits, recruits, intimidates, or coerces a minor to join, participate in, or remain a criminal gang member. This must be done with (1) knowledge that membership or continued membership in the gang is conditioned on committing a criminal act or (2) intent to facilitate the gang’s criminal acts.

Criminal Gang/Act

Under the bill, a “criminal gang” is a formal or informal organization, association, or group of three or more people that has:

1. as one of its primary activities, committing one or more criminal acts;
2. members who individually or collectively engage or have engaged in one or more criminal acts; and
3. an identifying name, sign, or symbol, or an identifiable leadership or hierarchy.

Under the bill, “criminal act” means conduct constituting a felony or a misdemeanor (other than recruiting a criminal gang member).

PILOT PROGRAM IN HARTFORD, BRIDGEPORT, AND NEW HAVEN

The bill requires CSSD probation officers to collaborate with local police departments, federal agencies, youth service bureaus, and willing community-based service centers to (1) identify at-risk children and youth and those convicted as delinquents and (2) refer them to the pilot program.

The bill requires officers and agencies participating in the pilot program to (1) meet with at-risk children and youths to inform them of the juvenile justice consequences of violent behavior and of criminal possession of deadly weapons and (2) make unannounced visits, including in the evening, to the homes, schools, and workplaces of children and youths who are supervised by a probation officer.

Definitions

Under the bill, a “child” is generally any person younger than age 18 who has not been legally emancipated. In delinquency matters and proceedings, a “child” is anyone who:

1. is at least age seven at the time of the alleged commission of a delinquent act and who is (a) younger than age 18 and has not

been legally emancipated or (b) age 18 or older, but committed a delinquent act prior to attaining age 18, or

2. after turning age 18, (a) violates any Superior Court order or any condition of probation concerning a delinquency proceeding or (b) willfully fails to appear in response to a summons or at any other court hearing in a delinquency proceeding of which he or she had notice.

For family with service needs matters and proceedings, a child is anyone who is age seven to 17.

The bill defines a “youth” as anyone age 16 or 17 who has not been legally emancipated.

Under the bill, a “community-based service center” is a family support center for children and families against whom a complaint has been filed with the Superior Court. The center provides multiple services or access to such services for the purpose of preventing the children and families from having further involvement with the court as families with service needs.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/19/2013)